

BEFORE THE  
POSTAL REGULATORY COMMISSION  
WASHINGTON, DC 20268-0001

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Akron-East Station  
Akron, Ohio 44305  
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Docket No. A2011-16

ANSWER OF THE PUBLIC REPRESENTATIVE  
IN SUPPORT OF PETITIONER'S MOTION TO COMPEL  
AND TO EXTEND DEADLINE FOR FILING  
FORM 61 AND/OR INITIAL BRIEF

(June 17, 2011)

By motion dated June 10, 2011, the City of Akron, Ohio (Akron) seeks an order compelling the Postal Service "to produce an un-redacted version of the Administrative Record supporting closure of the Akron-East Post Office...[and]...to extend the time to file an Initial Brief and/or Form 61...."<sup>1</sup> Pursuant to rule 21 of the Commission's rules of practice, the Public Representative hereby files its Answer in support of Akron's Motion.

In the Order establishing procedures in this proceeding, the Commission established May 31, 2011, as the deadline for the filing by the Postal Service of the Administrative Record.<sup>2</sup> In its Motion, Akron points out that although the Postal

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<sup>1</sup> City of Akron, Ohio's Motion to Compel Administrative Record and Extend the Deadline for Petitioner and City of Akron Ohio to File Form 61 and/or an Initial Brief, June 10, 2011 (Motion). On the same day that it filed its Motion, Akron filed a notice of intervention. Notice of Intervention, City of Akron, Ohio, June 10, 2011 (Notice).

<sup>2</sup> Notice and Order Accepting Appeal and Establishing Procedural Schedule, May 19, 2011, at 5 (May 19 Order).

Service has filed a copy of its Final Determination to close the Akron-East Post Office, it has not filed the Administrative Record.<sup>3</sup> Motion at 2.

In seeking an order compelling the Postal Service to file the Administrative Record, Akron asserts that "[w]ithout the Record the Petitioner and the City of Akron cannot demonstrate how the decision to close the Akron-East Post Office was an abuse of discretion and unsupported by the substantial evidence on the record." *Id.* at 3. Akron asserts further that unless the deadline for filing Form 61 and/or an Initial Brief is extended, it "will be severely prejudiced as it will not be able to meaningfully prepare its Brief." *Id.* at 6. The Public Representative agrees with Akron and supports the issuance of an order directing the Postal Service to file the Administrative Record and extending the deadline for filing Form 61 and/or initial briefs.

WHEREFORE, the Public Representative urges the Commission to grant the City of Akron's Motion.

Respectfully Submitted,

/s/ Richard A. Oliver

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<sup>3</sup> The Final Determination was attached as Exhibit 1 to the Notice of United States Postal Service, May 31, 2011 (Postal Service Notice). The Public Representative would note that in filing the Final Determination, the Postal Service incorrectly asserts that the May 19 Order provided that "[t]he Postal Service shall file the administrative record regarding this appeal' or 'any responsive pleading to this Notice.'" (emphasis added). In fact, the May 19 Order did not give the Postal Service the choice of filing the record or a responsive pleading. The May 19 Order established May 31, 2011 as the deadline for the filing of both the administrative record and any responsive pleading. May 19 Order at 2, 5.